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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

PEOPLE OF CITY OF LOS ANGELES
WHO ARE UN-HOUSED, AS A
CLASS REPRESENTED BY D.
JACOBS, as representative of a class of
unhoused persons who reside and resided
in the streets and on the sidewalks of the
City of Los Angeles,

Plaintiffs.

v.

KAREN BASS, ERIC MICHAEL
GARCETTI, PAUL KREKORIAN,
ROBERT BLUMENFIELD, NITHYA
RAMAN, KATY YAROSLAVSKY,
IMELDA PADILLA, MONICA
RODRIGUEZ, MARQUEECE-
HARRIS-DAWSON, JOHN LEE,
CURREN PRICE, HEATHER HUTT,
TRACI PARK, HUGO SOTO-
MARTINEZ, KEVIN DE LEON, TIM
Mc OSKER, MONIQUE CONTRERAS,
1 "DOE" BROWN, ONE HUNDRED
UNKNOWN NAMED DEFENDANTS,
1-100,

Defendants.

CASE NO. 2:24-cv-09320 DOC (MAAx)
*Assigned to: Hon. Judge David O. Carter, Ronald
Reagan Cthse, Ctrm 10A; Hon. Mag. Maria A. Audero,
Roybal Bldg, Ctrm. 880*

**DEFENDANT MONIQUE
CONTRERAS'S OBJECTIONS AND
RESPONSE TO PLAINTIFFS'
STATEMENT OF
UNCONTROVERTED FACTS AND
CONCLUSIONS OF LAW ON
MOTION FOR "PARTIAL
SUMMARY JUDGMENT ON
ISSUES F EXCESSIVE FORCE AND
OF MALICIOUS PROSECUTION";
ADDITIONAL GENUINE ISSUES
OF MATERIAL FACT**

[Filed concurrently with Opposition to Plaintiffs'
Motion for Partial Summary Judgment;
Declaration of Eric Melendez and Exhibits;
Request for Judicial Notice and Exhibits; Notice
of Lodging]

DATE: June 2, 2025
TIME: 8:30 AM
CTRM: 10A

**TO THE ABOVE-ENTITLED COURT, AND TO PLAINTIFF AND HIS
COUNSEL OF RECORD:**

Defendant Monique Contreras hereby submits her Objections and Responses to Plaintiffs' Statement of Uncontroverted Facts and Conclusions of Law On Motion for "Partial Summary Judgment on Issues f Excessive Force and Maliicious Prosecution".

Additionally, Defendant respectfully also submits her Statement of Additional Genuine Issues of Material Fact.

Dated: May 12, 2025

HYDEE FELDSTEIN SOTO, City Attorney
DENISE C. MILLS, Chief Deputy City Attorney
KATHLEEN KENEALY, Chief Assistant City Attorney
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By: Ty A. Ford
TY A. FORD, Deputy City Attorney
Attorneys for Defendant, MONIQUE CONTRERAS

UNCONTROVERTED FACTS

<u>Plaintiffs' Undisputed Material Facts</u>	<u>Opposing Party's Response and Supporting Evidence</u>
1. On Sept. 2, 2024 defendant Monique Contreras "jabbed" plaintiff David Jacobs with her nightstick. Declaration of David Jacobs, ¶ 3.	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement. Without waiving said objections and subject to them, Disputed. <i>See Exhibit "1"</i> [Arrest Report], p. 2; Exhibit "2" [BWV ("BWV") of Contreras]; Exhibit "3" [BWV of Chavez]; Exhibit "4" [BWV of Espinoza]
2. There is no evidence that Jacobs posed any danger to Contreras or others.	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement. Without waiving said objections and subject to them, Disputed. <i>See Exhibit "1"</i> [Arrest Report], p. 2; Exhibit "2" [BWV of Contreras]; Exhibit "3" [BWV of Chavez]; Exhibit "4" [BWV of Espinoza]; Exhibit "5" [Criminal Complaint]
3. On Sept. 2, 2024, Contreras, without probable cause to do so and with malice, initiated criminal charges for violation of Cal. Penal Code § 245(c) against Jacobs.	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement.

1 2 3 4 5 6 7	<i>Id. at ¶ 2.</i>	Without waiving said objections and subject to them, Disputed. <i>See Exhibit “1”</i> [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “3” [BWV of Chavez]; Exhibit “4” [BWV of Espinoza]; Exhibit “5” [Criminal Complaint]
8 9 10 11 12 13 14 15	4. Those charges were dismissed on Oct. 22, 2024. <i>Ibid.</i>	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement. Without waiving said objections and subject to them, Disputed. <i>See Exhibit “9”</i> [Mental Health Court minute order dated 10/23/24]
16 17 18 19 20 21 22 23 24 25 26	5. As a result of those charges, plaintiff was held in the Los Angeles County Jail from Sept. 22, 2024 to Oct. 22, 2024. <i>Ibid.</i>	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement. Without waiving said objections and subject to them, Disputed. <i>See Exhibit “6”</i> [Criminal court minute order dated 09/04/24]; Exhibit “7” [Mental Health Court minute order dated 09/18/24]; Exhibit “9” [Mental Health Court minute order dated 10/23/24]

DEFENDANT’S STATEMENT OF ADDITIONAL
GENUINE ISSUES OF MATERIAL FACT

Defendants’ Additional Material Facts	Defendants’ Supporting Evidence
1. On September 2, 2024, Officer Contreras and Officer Brown and driving in a marked black and white police SUV.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras] at 14:48:46 ¹ and 14:49:23.
2. Officer Contreras, who is shorter than Officer Brown, was wearing a full police uniform and a body-worn camera which captured part of the incident.	Exhibit “2” [BWV of Contreras]; Exhibit “3” [BWV of Chavez] at 14:52:44 and 14:54:05.
3. Officer Brown also was wearing a full police uniform but was not wearing a body-worn camera.	Exhibit “2” [BWV of Contreras] at 14:48:59 to 14:50:38 and 14:55:40; Exhibit “3” [BWV of Chavez] at 14:52:44 and 14:55:40; Exhibit “4” [BWV of Espinoza] at 15:01:38 to 15:01:51.
4. Officer Contreras and Officer Brown observed Plaintiff’s tent erected on a sidewalk within 500 feet of a school in violation of Los Angeles Municipal Code (“LAMC”) section 41.18(e).	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “5” [Criminal Complaint].
5. Officer Contreras recognized Plaintiff’s tent and knew that he previously had been warned, cited and	Exhibit “1” [Arrest Report], p. 2.

¹ All times referenced from the Body Worn Videos (“BWV”) are the military times indicated in the top right corner of each video.

1	booked for violating LAMC section	
2	41.18(e).	
3	6. The Officers parked and exited	Exhibit “1” [Arrest Report], p. 2; Exhibit
4	their police vehicle to investigate.	“2” [BWV of Contreras].
5	7. The Officers approached	Exhibit “1” [Arrest Report], p. 2; Exhibit
6	Plaintiff’s tent and asked him to exit his	“2” [BWV of Contreras] at 14:48:50 to
7	tent.	14:50:35.
8	8. However, Plaintiff opened the flap	Exhibit “1” [Arrest Report], p. 2; Exhibit
9	of the tent and sprayed them with pepper	“2” [BWV of Contreras] at 14:50:36 to
10	spray.	14:50:56; Exhibit “5” [Criminal
11		Complaint].
12	9. Plaintiff, who was wearing only	Exhibit “1” [Arrest Report], p. 2; Exhibit
13	shorts and no shirt, then ran from his tent	“2” [BWV of Contreras] at 14:50:55 to
14	and continued to pepper spray towards	14:51:30; Exhibit “3” [BWV of Chavez]
15	the officers as they tried to approach him.	at 14:52:51; Exhibit “5” [Criminal
16		Complaint].
17	10. Plaintiff also ran into the street to	Exhibit “1” [Arrest Report], p. 2; Exhibit
18	their police vehicle and pepper sprayed it.	“2” [BWV of Contreras] at 14:51:31 to
19		14:51:39; Exhibit “5” [Criminal
20		Complaint].
21	11. The Officers requested back-up to	Exhibit “1” [Arrest Report], p. 2.
22	assist.	
23	12. Plaintiff then fled from the area	Exhibit “1” [Arrest Report], p. 2; Exhibit
24	and the Officers chased him on foot.	“2” [BWV of Contreras] at 14:52:43;
25		Exhibit “3” [BWV of Chavez] at
26		14:52:48.
27	13. Additional officers responded and	Exhibit “1” [Arrest Report], p. 2; Exhibit
28		

1 eventually took Plaintiff into custody.	“2” [BWV of Contreras] at 14:53:12 to 14:xx; Exhibit “3” [BWV of Chavez] at 14:55:38; Exhibit “4” [BWV of Espinoza] at 14:56:29.
2 3 4 5 14. After he was taken into custody 6 and prior to being transported from the 7 scene, Plaintiff admitted that he sprayed 8 the Officers with pepper spray.	Exhibit “1” [Arrest Report], p. 2; Exhibit “4” [BWV of Espinoza] at 14:58:24 to 15:00:29.
9 15. Plaintiff was arrested for violating 10 California Penal Code section 245(c) 11 [assault with a deadly weapon on a peace 12 officer].	Exhibit “1” [Arrest Report], p. 2.
13 16. Plaintiff did not have any visible 14 injuries on his person and no injuries 15 were reported.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “4” [BWV of Espinoza] at 14:56:29 to 15:05:33.
17 17. Officer Contreras did not draw her 18 police baton during the incident, and did 19 not strike or make physical contact with 20 Plaintiff.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “3” [BWV of Chavez]; Exhibit “4” [BWV of Espinoza].
21 18. On September 4, 2024, the City 22 Attorney’s Office filed a misdemeanor 23 complaint, that is signed by the 24 prosecuting Deputy City Attorney, 25 against Plaintiff charging him with 26 violations of California Penal Code 27 sections 148(a)(1) [resisting, delaying or 28	Exhibit “5” [Criminal Complaint].

1	obstructing officer], 240/241(c) [assault	
2	on peace officer], 22810(g)(1) [unlawful	
3	use of tear gas] and LAMC section	
4	41.18(e) [sitting/sleeping/lying on	
5	sidewalk within 500 feet of	
6	school/daycare].	
7	19. Plaintiff appeared in court on	Exhibit “6” [Criminal court minute order
8	September 4, 2024, for an arraignment	dated 09/04/24].
9	and plea hearing.	
10	20. At the Arraignment hearing,	Exhibit “6” [Criminal court minute order
11	Plaintiff’s mental competency was called	dated 09/04/24].
12	into question, the criminal proceedings	
13	were suspended, and a psychiatrist was	
14	appointed to evaluate Plaintiff’s	
15	competency.	
16	21. The matter was then transferred to	Exhibit “6” [Criminal court minute order
17	the state court’s Mental Health Division	dated 09/04/24]; Exhibit “7” [Mental
18	for further proceedings.	Health Court minute order dated 09/18/24].
19	22. After evaluation, the Mental	Exhibit “8” [Mental Health Court minute
20	Health Division granted Plaintiff	order dated 10/02/24].
21	diversion on all charges with certain	
22	mental health treatment conditions and	
23	ordered him conditionally released on	
24	October 2, 2024.	
25	23. All charges were ultimately	Exhibit “9” [Mental Health Court minute
26	dismissed pursuant to Penal Code section	order dated 10/23/24].
27	1385 (interest of justice) on October 23,	
28		

2024.	
24. No LAPD police officers, including Officer Contreras, were involved in or had any input in the court process in any manner.	Exhibit “5” [Criminal Complaint].

Dated: May 12, 2025

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